IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

CIVIL REVISION APPLICATION NO. 177 OF 2004

Shrirang Krushna Yadav and Anr. ....Applicants

Versus

Suvarna Shrirang Yadav ...Respondent

Mr. Sahasrabuddhe, instructed by Mr. G.S. Godbole, for the Applicants.
Mr. Kuldeep Patil for Respondent.

CORAM: **DR. D.Y. CHANDRACHUD, J.**
DATE: **DECEMBER 21, 2005**.

P.C.

There was a delay of over six years in filing an Appeal against the dismissal of a suit for maintenance (Regular Civil Suit No. 360 of 1995 which came to be dismissed on 17th February, 1997). The Additional District Judge, Islampur, has condoned the delay in the considered exercise of his judicial discretion. The Additional District Judge, while condoning the delay, observed that the ends of justice would be served by condoning delay to save the Respondent from starvation. The position is that since 20th September, 1993, when an application under Section 125 of the Criminal Procedure Code was allowed, the Respondent has been awarded maintenance of only an amount of Rs. 200/- per month. An application for enhancement was also dismissed on 4th December, 1998. In these circumstances, it was manifestly in the interest of justice that the delay should be condoned and that the Respondent

should have an opportunity of contesting the dismissal of her suit for maintenance on merits in Appeal. This Court, in the exercise of its revisional jurisdiction under Section 115 of the Code of Criminal Procedure, 1908, would not be justified in interfering with the exercise of judicial discretion of the Learned Trial Judge. The Civil Revision Application is accordingly dismissed.